

REMARKS

Claims 6-8, 16-20, 22, and 23 have been canceled; claims 1-5, 14, and 21 have been amended; and claims 24-26 have been added. Thus, claims 1-5, 9-15, 21, and 24-26 are pending.

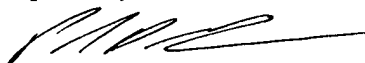
Claims 24-26 have been added to secure enhanced protection for Applicants' invention. Claim 24 is supported, for example, in the specification at page 16, lines 22-27. Claim 25 is supported, for example, in the specification at page 29, lines 3-6. Claim 26 is supported, for example, in the specification at page 18, lines 12-23. No new matter is added.

The Office Action requires restriction to one of Groups I-IV and election of a single plant species selected from barley, maize, prickly poppy, soy bean, and wheat-common. Applicants hereby elect Group I and the nucleotide/amino acid sequences of SEQ ID NOs:21/22 and 23/24 from maize. This election is made without traverse. The claims as amended herein are directed to the elected invention. Applicants reserve the right to prosecute the non-elected inventions in separate applications.

Please charge any requisite fee to Deposit Account No. 04-1928 (E. I. du Pont de Nemours and Company).

In view of the foregoing, allowance of the above-referenced application is respectfully requested.

Respectfully submitted,



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TECH CENTER 1600/2900

VERSION WITH MARKINGS TO SHOW CHANGES MADE

In showing the changes, deleted material is shown as brackets, and inserted material is shown underlined.

IN THE CLAIMS:

1. "amended" An isolated polynucleotide comprising:

(a) a nucleotide sequence [that encodes (1) a first] encoding a polypeptide [of at least 52 amino acids, the polypeptide] having biotin synthase activity, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:22 or 24 have [a sequence identity of] at least 85% sequence identity based on the Clustal alignment method [of alignment when compared to a second polypeptide selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, 14, and 16, or (2) a third polypeptide of at least 100 amino acids, the polypeptide having a sequence identity of at least 85% based on the Clustal method of alignment when compared to a fourth polypeptide selected from the group consisting of SEQ ID NOs:18, 20, 22, 24, 26, 28, 30, and 32], or

(b) the complement of the nucleotide sequence, wherein the complement and the nucleotide sequence contain the same number of nucleotides and are 100% complementary.

2. "amended" [A] The polynucleotide [sequence] of Claim 1, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:22 or 24 have [sequence identity is] at least 90% sequence identity based on the Clustal alignment method.

3. "amended" [A] The polynucleotide [sequence] of Claim 1, wherein the amino acid sequence of the polypeptide and the amino acid sequence of SEQ ID NO:22 or 24 have [sequence identity is] at least 95% sequence identity based on the Clustal alignment method.

4. "amended" The polynucleotide of Claim 1 wherein the [first is selected from the group consisting of SEQ ID NOs:2, 4, 6, 8, 10, 12, and 14, and the third polypeptide is selected from the group consisting of SEQ ID NOs:16, 18, 20, 22, 24, 26, 28, 30, and 32] polypeptide comprises the amino acid sequence of SEQ ID NO:22 or 24.

5. "amended" The polynucleotide of Claim 1, wherein the [polynucleotide comprises a] nucleotide sequence [selected from the group consisting of SEQ ID NOs:1, 3, 5, 7, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, and 31] comprises the nucleotide sequence of SEQ ID NO:21 or 23.

6. "canceled"

7. "canceled"

8. "canceled"

14. "amended" A method for producing a nucleic acid molecule comprising

(a) selecting a polynucleotide of Claim 1, and

(b) synthesizing a nucleic acid molecule, containing the nucleotide sequence of the polynucleotide.

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16. "canceled"
17. "canceled"
18. "canceled"
19. "canceled"
20. "canceled"
21. "amended" A chimeric gene comprising the polynucleotide of Claim [6] 1
operably linked to at least one suitable regulatory sequence.
22. "canceled"
23. "canceled"
24. "added"
25. "added"
26. "added"

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